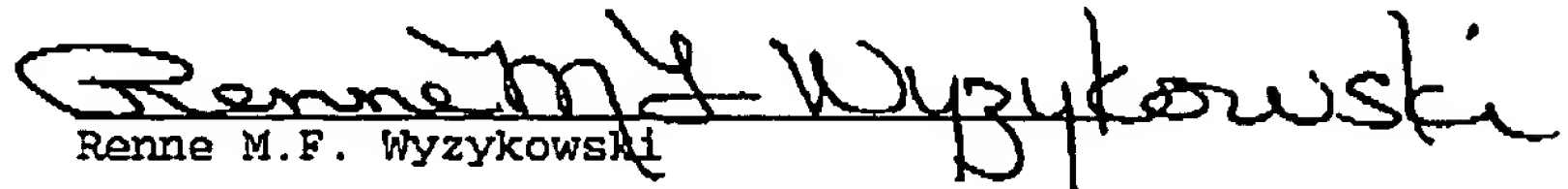


#9/26/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Renne M.F. Wyzykowski

Appl No. : 09/440,148
Applicant : Yiwei Thomas Hou, et al.
Filed : November 15, 1999
Title : SERVER-BASED NETWORK PERFORMANCE METRICS
GENERATION SYSTEM AND METHOD

Confirmation No. 2594

TC/A.U. : 2664
Examiner : Kamran, Emdadi

Docket No. : 35400/DMC/F179

Customer No. : 23363

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LETTER REQUESTING CORRECTING RESPONSE DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
August 21, 2003

Commissioner:

Applicants believe the recent Advisory Action in the case improperly sets the period for reply. The Advisory Action indicates the period for reply expires July 24, 2003. The period for reply should expire July 29, 2003.

A final action was mailed April 24, 2003 (Exh. A). A fully responsive amendment was filed with the U.S. Patent and Trademark Office, using a certificate of mailing (Exh. B and See 37 CFR § 1.8), on June 24, 2003, within two months of the mailing of the final Office action. An Advisory Action was mailed July 29, 2003 (Exh. C).

Appln No. 09/440,148

Amdt date August 21, 2003

Letter to Advisory action of July 29, 2003

As provided in the Office action mailed April 24, 2003 "13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action." (emphasis supplied)

Accordingly, the period for reply to the instant case is set to expire July 29, 2003, and Applicants request that applicants be so formally notified.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By



Daniel M. Cavanagh

Reg. No. 41,661

626/795-9900

DMC/rmw

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,148	11/15/1999	YIWEI THOMAS HOU	35400/PYI/F1	2594

23363 7590 04/24/2003

CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA, CA 91105

EXAMINER

EMDADI, KAMRAN

ART UNIT

PAPER NUMBER

3664

DATE MAILED: 04/24/2003

CASE # **35400** ACTION: *Final Rejection*

APR 29 2003

REMINDER _____ DUE DATE *3/24/03*DEADLINE *10/24/03*

Christie, Parker & Hale, LLP

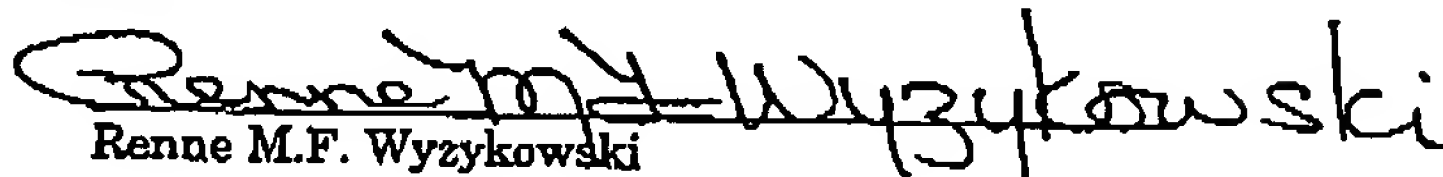
Please find below and/or attached an Office communication concerning this application or proceeding.

Appln No. 09/440,148
Amdt dated June 24, 2003
Reply to Office action of April 24, 2003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Renne M.F. Wyzykowski

Appl No. : 09/440,148
Applicant : Yiwei Thomas Hou, et al.
Filed : November 15, 1999
Title : SERVER-BASED NETWORK PERFORMANCE METRICS GENERATION
SYSTEM AND METHOD
TC/A.U. : 2664
Examiner : Kamran Emdadi
Docket No. : 35400/DMC/F179

Mail Stop NON-FEE Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068

Commissioner:

AMENDMENT

In response to the Office action of April 23, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 17 of this paper.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,148	11/15/1999	YIWEI THOMAS HOU	35400/PYI/F1	2594

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EXAMINER

EMDADJ, KAMRAN

ART UNIT

PAPER NUMBER

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DATE MAILED: 07/29/2003

CASE # **35400** ACTION _____
REMINDER _____ DUE DATE _____
DEADLINE _____

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Name: Commissioner of Patents

Art Unit: 2667

Examiner: Kamran Emdadi

Phone: (703) 305-4899

From: Daniel M. Cavanagh
Reg No. 41,661

Re: Application No. 09/440,148
Filed November 15, 1999
Entitled SERVER-BASED NETWORK PERFORMANCE METRICS
GENERATION SYSTEM AND METHOD

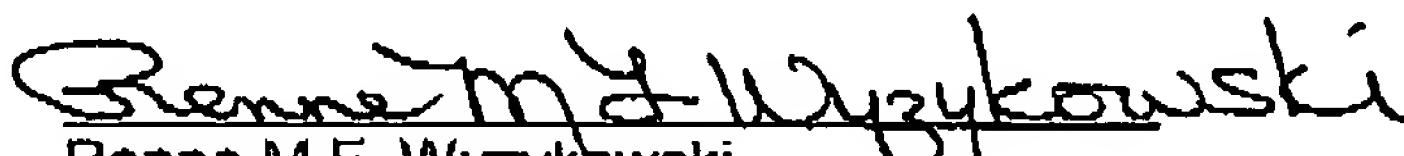
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THE UNITED STATES PATENT AND TRADEMARK OFFICE ON August 21, 2003.


Renne M.F. Wyzykowski

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*Correspondence: Letter Requesting Correcting Response Date with
Exhibits A, B and C

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